

REMARKS

The Advisory Action dated February 20, 2004 stated that the amendment of claim 23 would be entered for purposes of Appeal if claim 43 was canceled and if the applicants also filed an amended appeal brief not including claim 43.

As requested, Applicants herewith have canceled claim 43.

Applicants have filed an amended appeal brief not including claim 43. The amended Appeal Brief has deleted the statement that "The claims do not stand or fall together." The amended Appeal Brief also has additional corrections that are necessitated by these changes.

Claim 23 has been amended by introducing the limitations of the **previously examined** claim 43, now canceled, into claim 23.

Applicants have amended claim 23 to indicate that dihydroxyl-functionalized material has a molecular weight that is substantially unchanged relative to the molecular weight of the dicarboxylic acid-functionalized starting material.

Support for this amendment is found on pages 9 and 12 of the specification, where it has been shown clearly that the dihydroxyl-functionalized material has a molecular weight that is substantially unchanged relative to the molecular weight of the dicarboxylic acid-functionalized starting material.

Similarly, the Examiner has concluded the same on page 3 of the Office Action dated February 7, 2003, where

Thus, on page 3 of the Office Action dated February 7, 2003, the Examiner had conceded that the Applicants had indeed shown that the hydroxyalkylation

process according to the present invention was carried out without substantially increasing the molecular weights of the starting materials.

Therefore, Applicants respectfully request that claim 23, as amended, be entered for purposes of Appeal.

Respectfully submitted,

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